

1 Juanita R. Brooks (CA Bar No. 75934) (brooks@fr.com)
2 Lara S. Garner (CA Bar No. 234701) (lgarner@fr.com)
FISH & RICHARDSON P.C.
12390 El Camino Real
3 San Diego, CA 92130
Telephone: (858) 678-5070 / Fax: (858) 678-5099

4 Craig E. Countryman (CA Bar No. 244601) (countryman@fr.com)
5 FISH & RICHARDSON P.C.
555 W. 5th Street, 31st Floor
6 Los Angeles, California 90013
Telephone: (213) 533-4240 / Fax: (213) 996-8304

7 Jonathan E. Singer (CA Bar No. 187908) (singer@fr.com)
8 Michael J. Kane (pro hac vice) (kane@fr.com)
FISH & RICHARDSON P.C.
9 60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
10 Telephone: (612) 335-5070 / Fax: (612) 288-9696

11 Susan M. Coletti (pro hac vice) (coletti@fr.com)
Elizabeth M. Flanagan (pro hac vice) (eflanagan@fr.com)
12 FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
13 Wilmington, DE 19899
Telephone: (302) 652-5070 / Fax: (302) 652-0607

14
15 Attorneys for Plaintiffs
ALLERGAN USA, INC. and
16 ALLERGAN INDUSTRIE, SAS

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 ALLERGAN USA, INC. and
20 ALLERGAN INDUSTRIE, SAS,

21 Plaintiffs,

22 v.

23 MEDICIS AESTHETICS, INC.,
MEDICIS PHARMACEUTICAL CORP.,
VALEANT PHARMACEUTICALS
24 NORTH AMERICA LLC,
VALEANT PHARMACEUTICALS
25 INTERNATIONAL, VALEANT
PHARMACEUTICALS
INTERNATIONAL, INC., AND
26 GALDERMA LABORATORIES, L.P.

27 Defendants.

28 Case No. SACV13-01436 AG (JPRx)

DISCOVERY MATTER

DECLARATION OF ELIZABETH M.
FLANAGAN IN SUPPORT OF JOINT
STIPULATION REGARDING
PLAINTIFFS' MOTION TO COMPEL

Judge: Hon. Jean P. Rosenbluth
Hearing: February 26, 2015
Time: 10:00 a.m.
Ctrm: A-8th Floor

Discovery cutoff date: April 10, 2015
Pretrial conference date: July 20, 2015
Trial date: August 4, 2015

1 I, Elizabeth M. Flanagan, declare as follows:

2 1. I am an attorney at Fish & Richardson P.C., and have been admitted
3 *pro hac vice* in the above-captioned litigation as counsel for Plaintiffs Allergan
4 USA, Inc., and Allergan Industrie, SAS (“Allergan”).

5 2. Attached hereto as Exhibit 1 is a true and correct copy of
6 correspondence from Plaintiffs’ counsel to Defendants’ counsel, dated January 14,
7 2015.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of the
9 Scheduling Order Specifying Procedures (Document 34), dated February 3, 2014.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of the Order
11 Granting Stipulation to Amend Scheduling Order Specifying Procedures (Document
12 78), dated August 4, 2014.

13 5. Attached hereto as Exhibit 4 is a true and correct copy of the Order
14 Granting Stipulation to Amend the Scheduling Order Specifying Procedures
15 (Document 107), dated January 14, 2015.

16 6. Attached hereto as Exhibit 5 is a true and correct copy of Defendants’
17 Revised List of Potential E-Mail Custodians, dated June 18, 2014.

18 7. Attached hereto as Exhibit 6 is a true and correct copy of the Initial
19 Disclosures of Galderma Laboratories, L.P., served December 29, 2014.

20 8. Attached hereto as Exhibit 7 is a true and correct copy of email
21 correspondence from Defendants’ counsel to Plaintiffs’ counsel, dated January 15,
22 2015.

23 9. Attached hereto as Exhibit 8 is a true and correct copy of redacted
24 email correspondence between Plaintiffs’ counsel and Defendants’ counsel, dated
25 October 13, 2014 through October 15, 2014.

10. Attached hereto as Exhibit 9 is a true and correct copy of correspondence from Defendants' counsel to Plaintiffs' counsel, dated October 23, 2014.

11. Attached hereto as Exhibit 10 is a true and correct copy of correspondence from Plaintiffs' counsel to Defendants' counsel, dated December 22, 2014.

12. Attached hereto as Exhibit 11 is a true and correct copy of correspondence from Plaintiffs' counsel to Defendants' counsel, dated January 19, 2015.

13. Attached hereto as Exhibit 12 is a true and correct copy excerpts from
of the Petition for *Inter Partes* Review for U.S. Patent No. 8,450,475.

14. Attached hereto as Exhibit 13 is a true and correct copy of email correspondence from Defendants' counsel to Plaintiffs' counsel, dated November 11, 2014.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 5, 2015 at Wilmington, Delaware.

FISH & RICHARDSON P.C.

By: /s/ Elizabeth M. Flanagan
Elizabeth M. Flanagan

Attorneys for Plaintiffs
ALLERGAN USA, INC. and
ALLERGAN INDUSTRIE, SAS

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the above and
3 foregoing document has been served on February 5, 2015 to all counsel of record
4 who are deemed to have consented to electronic service via the Court's CM/ECF
5 system per Civil Local Rule 5.4. Any other counsel of record will be served by
6 electronic mail, facsimile and/or overnight delivery.

7
8 _____
9 /s/ *Elizabeth M. Flanagan*
Elizabeth M. Flanagan

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28